

SW 1638

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/522,094
	Filing Date	January 24, 2005
	First Named Inventor	LINDERS et al.
	Art Unit	1638
	Examiner Name	Keith O'Neal Robinson
Total Number of Pages in This Submission	Attorney Docket Number	70059USPCT

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return PostCard; 4 reference documents; Form 1449
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Syngenta Biotechnology, Inc.		
Signature			
Printed name	Edouard Lebel, Agent for Application		
Date	7/10/2006	Reg. No.	43,742

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Oksana Buynitzky	Date	7/10/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LINDERS et al.

Serial. No.: 10/522,094

Filed: January 24, 2005

For: CLUBROOT RESISTANT BRASSICA  
OLERACEA PLANTS

Art Unit: 1638

Examiner: Keith O'Neal Robinson

Atty Docket: 70059USPCT

Confirmation No.: 9236

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. In accordance with the United States PTO Official Gazette Notice of August 5, 2003, copies of all cited references are enclosed herewith.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

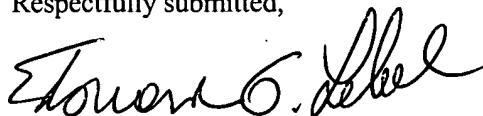
Identification of the listed references is not to be construed an admission of Applicants or Agents for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 forms.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. However, the Commissioner is authorized to charge any fee under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edouard G. Lebel". The signature is fluid and cursive, with the first name being the most prominent.

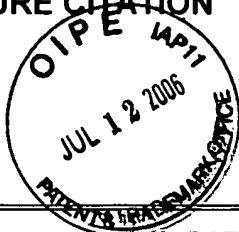
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Date: July 10, 2006

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.  
70059USPCT  
APPLICATION NO.  
10/522,094  
APPLICANT  
LINDERS et al.  
FILING DATE:  
January 24, 2005Confirmation No.  
9236  
Group  
1638

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B							

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

	C	Chiang et al. <i>Glucosinoplasts in clubroot-resistant and -susceptible selections of broccoli Hortscience</i> , Vol. 24, no. 4, (1989), pp. 665-666
	D	Chiang et al. <i>Transfer of resistance to race 2 of Plasmodiophora Brassicae from Brassica Napus to cabbage (B. Oleracea SPP. Capitata). IV. A resistant 18-chromosome B1 plant and its B2 progenies Euphytica</i> , Vol. 29, (1980), pp. 47-55
	E	Kuginuki et al. <i>Variation in virulence of Plasmodiophora brassicae in Japan tested with clubroot-resistant cultivars of Chinese cabbage (Brassica rapa L. ssp. pekinensis) European Journal of Plant Pathology</i> , Vol. 105, (1999), pp. 327-332
	F	Toxopeus et al. <i>Physiological specialization in Plasmodiophora brassicae: an analysis by international experimentation Transaction of the British Mycological Society</i> , Vol. 87, no. 2, (1986), pp. 279-287

EXAMINER	DATE CONSIDERED
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\*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.